

MEMORANDUM TO: Deputy Executive Director for Reactor and Preparedness
Office of the Executive Director for Operations
Deputy Executive Director for Materials, Research, State
and Compliance Programs
Office of the Executive Director for Operations
Director, Office of Nuclear Security and Incident Response
Deputy Director, Office of Nuclear Security and Incident Response

FROM: Luis A. Reyes, Executive Director of Operations

SUBJECT: DELEGATION OF AUTHORITY FOR IMMINENT SECURITY THREATS

The purpose of this memorandum is to delegate limited authority to certain NRC executives to issue "immediately effective orders" to NRC licensees in accordance with 10 CFR § 2.202 when urgent licensee action is needed to mitigate the potential radiological consequences of an imminent security threat. This delegation of authority is to be implemented only under the specific circumstances described herein and is delegated only to the addressees of this memorandum.

NRC Management Directive (MD 9.17), "Office of the Executive Director for Operations," MD 9.26, "Organization and Functions - Office of Nuclear Material Safety and Safeguards," and MD 9.27, "Organization and Functions - Office of Nuclear Reactor Regulation," reflect the Commission's delegation to the Executive Director for Operations (EDO), the Director of the Office of Nuclear Reactor Regulation (NRR), and the Director of the Office of Nuclear Material Safety and Safeguards (NMSS) of the authority to issue orders to NRC licensees in accordance with 10 CFR § 2.202.

I have determined that it is necessary and appropriate that certain additional NRC executives be given the specific limited authority to issue orders, in the event that an urgent action is needed because of an imminent security threat.

The Deputy Executive Director for Reactor and Preparedness Programs, the Deputy Executive Director for Materials, Research, State and Compliance Programs, the Director, Office of Nuclear Security and Incident Response (NSIR), and the Deputy Director, NSIR, are hereby delegated the authority to issue "immediately effective" orders, including oral orders, when "the public health, safety, or interest" as described in 10 CFR § 2.202(a)(5) so requires.

This delegation is limited to the authority to issue an "immediately effective" order under circumstances involving one or more NRC licensed facilities or nuclear materials licensees subject to NRC jurisdiction in a situation when urgent action is needed due to an imminent security threat (e.g., an imminent aircraft threat).

Attachment

The “immediately effective” order is limited to ordering an NRC licensee to implement existing facility procedures governing actions necessary to mitigate the potential radiological consequences of the specific imminent security threat. Once an order is given to an NRC licensee, the NRC executive issuing the order shall initiate actions to promptly inform the Commission and the NRC executive team. An oral order issued pursuant to the authority delegated here must be reduced to writing within a reasonable time.

This authority may not be re-delegated and remains in effect until superceded, modified or revoked by the Executive Director for Operations or the Commission.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
SECY
OGC
DOC
OCA
OPA
CFO